

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

ALICIA MCGEE

PLAINTIFF

V.

CIVIL ACTION NO. 1:22-CV-78-SA-DAS

KILOLO KIJAKAZI, COMMISSIONER
OF SOCIAL SECURITY ADMINISTRATION

DEFENDANT

ORDER ADOPTING REPORT AND RECOMMENDATION

On June 2, 2022, the Plaintiff filed a Complaint [1] appealing the Commissioner of Social Security's decision to deny her application for Social Security Disability benefits. The Plaintiff filed her Motion [2] to Proceed in forma pauperis that same day. The Magistrate Judge assigned to this case entered a Report and Recommendation [3] on June 10, 2022, in which he found that "while the plaintiff's household expenses exceed their monthly income, the plaintiff appears to have sufficient funds in a checking account from which she could pay court costs in this action." [3] at 3. As such, the Magistrate Judge recommended that "the motion for leave to proceed in forma pauperis be denied and the plaintiff be granted a reasonable time in which to pay the filing fee." *Id.* The Magistrate Judge further noted that the Plaintiff had fourteen (14) days from the date of the Report and Recommendation [3] to file any objections to the same. The Plaintiff has not filed any objections, and the time to do so has passed.

When a party files an objection to a Report and Recommendation, a court must then conduct a de novo review of the sections of the Report to which the party objects. *Davis v. Turner*, 2018 WL 6172521 at *1 (N.D. Miss. Nov. 26, 2018) (quoting *Gauthier v. Union Pac. R.R. Co.*, 644 F.Supp.2d 824, 828 (E.D. Tex. 2009) (internal citation omitted)). "With respect to those portions of the report and recommendation to which no objections were raised, the Court need only satisfy itself that there is no plain error on the face of the record." *Id.* (quoting *Gauthier*, 644

F.Supp.2d at 828 (internal citation omitted)).

Seeing as the Plaintiff did not file an objection in the allotted time to do so, the Court need only conduct a plain error review. Having reviewed the Report [3] and the filings in this case, the Court has found no plain error. As such, the Court ADOPTS IN FULL the Report and Recommendation [3]. The Plaintiff shall have thirty (30) days from the date of this Order to pay the filing fee. Failure to comply with this Order will lead to dismissal of this case without further notice.

This the 27th day of July, 2022.

/s/ Sharion Aycock

UNITED STATES DISTRICT JUDGE